

CHAPTER 4

DETENTION FACILITY CONSTRUCTION

During this biennial reporting period, the BOC administered both state and federally funded construction projects. The County Correctional Facilities Capital Expenditure Fund (Jail Construction Fund) supports local jail projects financed with state bonds. The Violent Offender Incarceration and Truth-in-Sentencing (VOI/TIS) Incentive Grant Program funds local adult and juvenile facility construction.

Jail Construction Fund

Since its inception in 1980, the Jail Construction Fund has provided over \$1.5 billion to 56 of California's 58 counties for construction projects, primarily from general obligation bonds. Appendix F lists allocations by county. The BOC's 1996 Legislative Report contains complete project descriptions by county; it is available on the BOC web site or upon request to the BOC. Nearly two-thirds of the projects met construction timelines; the remainder experienced unavoidable construction delays. The vast majority of the projects are complete and have met contractual obligations. During FY 1996/97 and FY 1997/98, seven projects were under active construction contracts (Butte, Colusa, Humboldt, Monterey, San Diego, Shasta, and Stanislaus), and 21 counties performed project close-out activities such as conducting audits, submitting final reports, and receiving final BOC staff monitoring and capacity ratings. The estimated completion of all projects is FY 1999/00, at which time the program will conclude.

County matching funds total almost \$642 million and have augmented state bond funds for an anticipated total construction expenditure of \$2.14 billion. County matches ranged from the minimum required 25 percent to a high of 85 percent. Nearly two-thirds (65 percent) of the total match financed construction; the remainder paid for costs not funded by the State, including site acquisition, architectural fees, construction/project management, environmental impact report preparation, needs assessment studies, and transition activities. Actual county-paid project costs exceeded \$642 million because many counties put only the minimum required match in contract (although actual match was higher) in order to minimize project audit and reporting costs.

The Jail Construction Fund is primarily responsible for increasing California's jail capacity from 31,824 beds in 1980, to 70,963 beds by the end of 1997, and capacity is scheduled to increase to approximately 73,000 beds at the conclusion of the bond program in FY 1999/00. Many new and remodeled jails have been constructed as "new generation" facilities reflecting state-of-the-art design. This enables more effective inmate supervision, management and control, and may result in reduced operational costs in some jurisdictions.

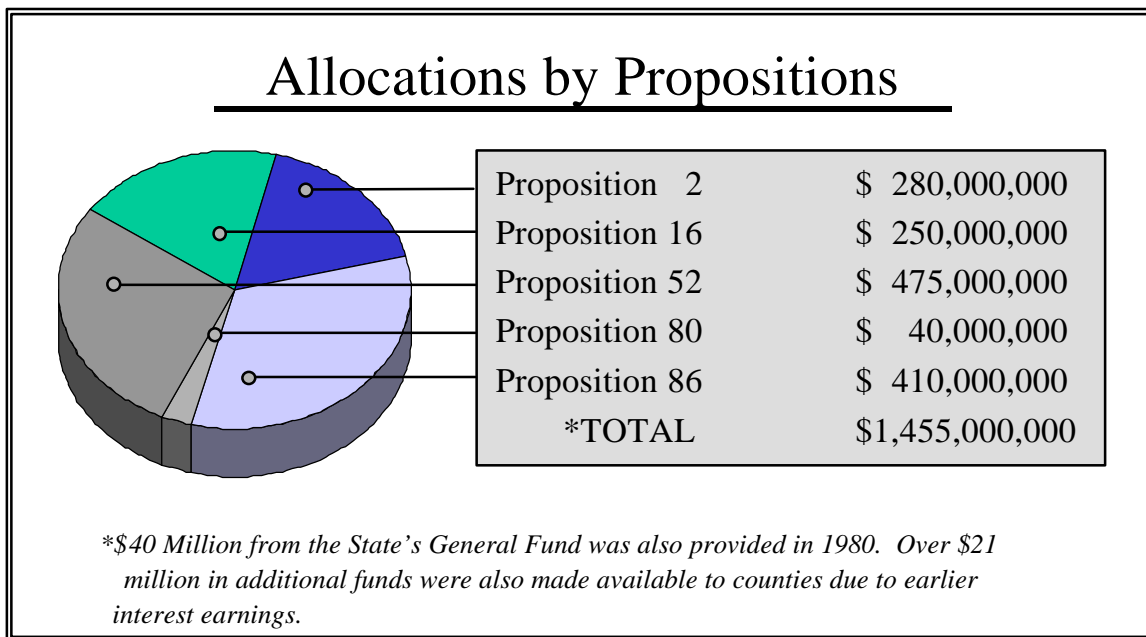
California's successful jail expansion effort reflects a collaborative partnership between the BOC and local jurisdictions that goes beyond maximization of resources and encompasses significant joint planning and technical assistance activities. Local jurisdictions define their needs and have primary responsibility for facility design and construction activities; the BOC provides guidance in the form of minimum standards for construction and operations. The BOC also provides

technical support from pre-architectural planning through design, construction, transition and occupancy. This approach has proven highly successful in bringing new jails on-line and meeting both state and local needs for properly constructed and well-managed facilities.

Bond Fund Allocations

The Jail Construction Fund began in 1980 with \$40 million from the State's General Fund. Figure 6 illustrates how this fund has grown through bond acts approved by voters during the 1980s. County allocations exceeded the amount available from the first two bond acts. The Legislature intended to fund the shortfall from interest earnings derived from the bond sales, but the Federal Tax Reform Act of 1986 precluded further interest earnings. The shortfall and the costs of administering these funds were provided through Proposition 80 and interest earned on bonds sold prior to the passage of the Act.

Figure 6



Except for Proposition 80, each of the jail bond acts added to, or placed more emphasis on, some of the eligibility requirements first established in Proposition 2. Generally, these requirements include: county match; demonstrated need; separation of juveniles, mentally disordered persons and persons arrested for intoxication; master site plan; staffing plan; operating cost analysis; construction cost controls; and construction deadlines.

Legislation implementing Proposition 52 contained provisions for reallocating reversion funds from the 1981, 1984, and 1986 bond acts. Proposition 86 added language to include any funds reverted from the 1988 bond act. Reversion funds are dollars unclaimed or unused, as well as interest earnings on accounts not impacted by the Federal Tax Reform Act of 1986. In the

1990s, the BOC reallocated over \$54 million to counties in cooperation with the California State Association of Counties, the California State Sheriffs' Association, and an advisory committee.

Projects funded by reallocations included addition of minimum, medium, and maximum security bed space; security communications, alarm systems, and mechanical systems upgrades; addition or expansion of support services (kitchen, medical areas, and program space), as well as completion of projects for which prior funds were unable to address all necessary components. In FY 1998/99, Shasta and Butte counties are expected to receive any remaining reallocation funds and be placed under contract for small construction projects.

Federal Grant Construction Program

The VOI/TIS Incentive Grant Program began during this biennial reporting period and is expected to continue for the foreseeable future. Under this federal grant program, all states are eligible to receive annual formula-driven grants for local adult and juvenile detention facility construction. Federal law allows up to 15 percent of a state's grant to be used for adult and juvenile detention facility construction by counties. States may declare "exigent circumstances" in order to allocate more than 15 percent to counties, but exigent circumstances funds can only be used for local juvenile facility construction.

In the 1997/98 State budget, the Legislature appropriated the maximum allowable 15 percent of available federal funds, or \$17.19 million, for local adult jail construction. The Legislature also declared exigent circumstances and appropriated \$37.4 million for local juvenile facility construction (\$20 million was set-aside by law for counties with a population of 200,000 or less). The Budget Act requires the BOC to administer a competitive grant award process for these funds.

In the 1998/99 State budget, the Legislature again appropriated the maximum allowable 15 percent of available funds (\$10,060,065) for adult facilities and declared exigent circumstances, appropriating \$78,937,630 for local juvenile facilities. Allocation of FY 1998/99 funds will be reported in the next biennial legislative report. The Legislature also noticed its intent that all VOI/TIS funds through federal FY 1999/00 be allocated to counties in a similar manner (i.e., 15 percent for adult facility construction and 85 percent for juvenile facility construction). These funds are estimated at \$180 million subject to annual formula determinations, California's continued qualification for program participation, and annual congressional appropriation.

Federal VOI/TIS grants must be used to supplement, not supplant, local construction efforts. For FY 1997/98 grants, counties must provide 10 percent cash match (no waiver of match is allowed). For FY 1998/99 and later grants, the Legislature raised the match requirement to 25 percent (10 percent cash match and 15 percent in-kind match).

Federal law and program guidelines identify different construction requirements for local juvenile and adult facilities. Local juvenile facility projects must add bed space for any type of offender except adjudicated violent offenders. Counties cannot make general modifications or juvenile facility improvements with federal funds unless necessitated by the added bed space.

Local adult facility projects are subject to less restrictive federal rules; adding bed space is optional and funds can be used solely to make general adult facility modifications or improvements. States can be more restrictive on use of funds (if needed), but cannot be less restrictive than federal requirements.

Allocation of Federal Funds

In FY 1997/98, the BOC requested proposals from all counties, emphasized that adding bed space was a state legislative priority, and indicated that adult facility proposals to add bed space would be given more favorable consideration than proposals to make general modifications or improvements. County proposals exceeded available funds. The BOC formed an executive steering committee composed of BOC members, sheriffs, chief probation officers, and others to review proposals and develop funding recommendations based on evaluation criteria that included: demonstrated need; index of cost-effectiveness; thoroughness of construction work plan; readiness to proceed; and board of supervisors' commitment to meet match requirements and fully and safely staff and operate the facility.

Figure 7 shows grants awarded by the BOC to counties in FY 1997/98 for juvenile facility construction projects, and Figure 8 shows grants awarded to counties for adult facility projects.

Figure 7

COUNTY JUVENILE FACILITY CONSTRUCTION PROJECTS FEDERAL FUNDS AWARDED IN FY 1997/98

County	Grant Award	# Beds Added
Contra Costa	\$ 1,000,000	13
Del Norte	4,747,623	26
El Dorado	1,462,920	12
Imperial	2,600,450	20
Lake	500,000	12
Lassen	2,000,000	20
Los Angeles	1,920,230	35
Mendocino	1,572,345	12
Placer	963,511	16
Riverside	1,000,000	50
Sacramento	719,770	10
Shasta	39,520	2
Siskiyou	185,809	2
Solano	2,898,000	84

Sonoma	91,784	2
Stanislaus	2,000,000	30
San Bernardino	999,940	48
San Diego	1,000,000	30
San Joaquin	2,000,000	60
Santa Barbara	1,000,000	20
Santa Clara	1,000,000	30
Tuolumne	5,000,000	60
Yuba	2,698,098	46
Total:	\$ 37,400,000	640

The BOC is providing project oversight and technical assistance to federally funded projects via the same type of collaborative partnership as the bond program. Counties define their needs and assume primary responsibility for facility design and construction. The BOC provides technical

support from pre-architectural planning through occupancy. Under federal law, projects funded in FY 1997/98 must be complete by June 30, 2001. Projects funded in FY 1998/99 must be complete by June 30, 2002.

Figure 8

**COUNTY ADULT FACILITY CONSTRUCTION PROJECTS
FEDERAL FUNDS AWARDED IN FY 1997/98**

County	Grant Award	# Beds Added	# Beds Modified or Impacted
Calaveras	\$ 325,000	8	0
Colusa	102,850	0	9
Fresno	1,000,000	16	0
Kings	847,575	28	0
Lake	837,000	12	0
Merced	315,575	8	360
Orange	1,000,000	23	0
Placer	981,766	0	136
Riverside	2,830,000	43	312
Sacramento	1,627,464	256	1,297
San Joaquin	124,374	0	200
San Mateo	1,000,000	33	0
Santa Barbara	1,064,572	19	107
Santa Cruz	995,550	0	249
Solano	1,000,000	110	174
Stanislaus	555,430	96	191

Sutter	1,776,148	32	0
Tuolumne	66,667	0	40
Tulare	740,029	214	0
Total:	\$ 17,190,000	898	3,175

Future Construction Needs

Despite successful facility design and capacity building efforts under the state bond and federal grant programs, demand and need for bed space continue to outpace local capacity and available construction funding. According to the 1999 Board of Corrections' *Capital Outlay and Infrastructure Report*, an additional 55,500 local adult jail beds and 6,000 local juvenile facility beds will be needed in the next 10 years.

In FY 1998/99, the Legislature established the County Juvenile Correctional Facilities Act to address the need for local detention facilities. This Act appropriated \$100 million from the General Fund for competitive grants supporting the renovation, reconstruction, construction, and replacement of county juvenile facilities and the performance of deferred maintenance. Counties must provide 25 percent match (at least 10 percent cash match and 15 percent in-kind match). Since federal construction grant funds are limited to adding bed space and related support space, this Act provides counties with needed renovation and deferred maintenance funds not otherwise available. The BOC will report allocation of these funds in its next biennial legislative report.